

REMARKS

The Office Action of July 10, 2008, has been considered by the Applicants. New claims 21-23 have been added. Claims 1, 2, and 21-23 are pending. Reconsideration of the Application is requested.

New claims 21-23 have been added. Support for claim 21 can be found at the top of page 15 of the specification. Support for the type of titanium particles can be found at the top of page 5 of the specification.

Claim 1 was rejected under 35 U.S.C. §§ 102(b)/103 as allegedly being anticipated by or obvious over Oishi et al. (US Patent No. 5,935,717).

Claim 1 was also rejected under 35 U.S.C. §§ 102(e)/103 as allegedly being anticipated by or obvious over Murasawa (US Patent Pub. No. 2001/0046937).

Applicants traverse these two rejections together.

Not all claim limitations are met. In particular, the independent claims require the composite to not have photocatalytic activity. However, both Oishi and Murasawa teach that such a composite will have photocatalytic activity. Oishi, at column 4, lines 17-30, states that the noble metal will exhibit a high effect as a result of the catalytic function of both components. Murasawa also states, in paragraph [0013], that the two components together have a higher photocatalytic function. Thus, the claims are not anticipated.

The claims are not obvious. Oishi and Murasawa both teach away from the claimed particles having no photocatalytic activity. Both teach that the combination should have increased photocatalytic activity.

Applicants request withdrawal of the 102/103 rejections based on Oishi and Murasawa.

Claims 1 and 2 were rejected under 35 U.S.C. 103(a) as allegedly being obvious over Ogata (US Patent No. 6,099,969) in view of Oishi.

Claims 1 and 2 were further rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Ogata in view of Murasawa.

Applicants traverse the two rejections together.

Applicants submit that unexpected results occur as a result of the combination. In particular, all three references expect the photocatalytic activity to continue or be increased when the titanium oxide particles are mixed with the metal. However, as shown in the working examples in this application, the claimed composites have no photocatalytic activity. Thus, both cited references teach away from the claimed product.

With regards to claim 22, please note that Ogata specifically discloses that anatase-type and rutile-type titanium should have photocatalytic activity.

Applicants request withdrawal of the two § 103(a) rejections based on Ogata combined with Oishi or Murasawa.

Claim 2 was rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Oishi in view of Ogata.

Claim 2 was further rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Murasawa in view of Ogata.

Applicants traverse these two rejections together.

Claim 2 depends from claim 1. If claim 1 is non-obvious, so is claim 2. MPEP § 2143.03; *In re Fine*. Applicants do not separately argue these two rejections at this time.

Applicants request withdrawal of these two § 103(a) rejections.

CONCLUSION

For the above reasons, all pending claims (1, 2, and 21-23) are in condition for allowance. Withdrawal of the rejections and issuance of a Notice of Allowance is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby authorized to call Jay F. Moldovanyi, at telephone number 216-861-5582, Cleveland, OH.


It is believed that no fee is due in conjunction with this response. If, however, it is determined that fees are due, authorization is hereby given for deduction of those fees, other than the issue fees, from Deposit Account No. 06-0308.

Respectfully submitted,

FAY SHARPE LLP

September 30, 2008
Date


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	Signature: 
Date: September 30, 2008	Name: Lynda S. Kalemba

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